THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4220 of 2007

Date: 05.03.2007

Between:

M/s.Vinayaka Modern Rice Mills.

....Petitioner

and

The Managing Director,
Andhra Pradesh Eastern Power Distribution
Company Ltd, Visakhapatnam & others.

....Respondents

O R D E R:

The petitioner is a Modern Rice Mill and it is extended the power supply through service connection No.M-607000238/9465 under L.T.Category-III. On the basis of an inspection conducted on 18.02.2005, the respondents took steps to change the category from L.T. to H.T. The petitioner approached this Court by filing W.P.No.8839 of 2005. The writ petition was disposed of, leaving it open to the petitioner to make a representation to the higher authorities about the proposal. It was directed that till the necessary orders are passed on such a representation, the present categorisation shall remain.

The petitioner states that it filed a representation before the second respondent and the same is yet to be disposed of. Its grievance is that even while the appeal is pending, the respondents have treated the connection as that of H.T. category and the minimum charges are levied accordingly.

Heard the learned counsel for the petitioner and the learned standing counsel for the respondents.

From a perusal of the order passed by this Court in W.P.No.8839 of 2005, it is clear that the attempts of the respondents to change the category of the power supply to the petitioner straight away were thwarted and the matter was left open, to be decided by the second respondent. A specific direction was issued to the effect that till the second respondent decides the matter, the existing categorisation shall remain in force. The allegation of the petitioner that the representation is still pending with the second respondent is not controverted. From October 2006 onwards, the petitioner is being levied the minimum charges by treating the service connection as that of H.T. category. The same is without any basis and it cannot be

sustained in law. In a way it amounts to contempt of Court.

For the foregoing reasons, the writ petition is allowed and the

respondents are directed not to treat the power supply to the petitioner as that of H.T. category nor shall issue bill on that basis, till the second respondent disposes of the representation pending before him. There shall be no order as to costs.

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05.03.2007

kdl